A Special Permit Special Permits—Massachusetts General Laws, Ch. 40A application is filed with the City/Town Clerk, and a The SPGA reaches a decision. The decision certified copy filed with the City/Town Clerk issues a Appeals must be filed with and records of proceedings must be filed by SPGA, by the proponent the City/Town Clerk. certificate stating the date of The SPGA holds a public the SPGA with the City/Town Clerk, and approval, that no appeal was hearing mailed to parties of interest within 14 days. *Construction may begin if an filed, or that the appeal was (special permits require a 2/3 vote of a board with *The hearing may be continued appeal is filed, but will be at the dismissed or denied. more than 5 members, 4 members of a 5 member over the span of multiple meetings proponent's own risk. board, and unanimous vote of a 3 member board) Within 65 days Within Within of the application filing 90 days After (Unless extended by written agreement between the 20 days 20 days After the close of the public hearing (Unless extended by written agreement SPGA & proponent that has been filed with the City/ of the decision filing of the decision filing between the SPGA & proponent that has been filed with the City/Town Clerk) Town Clerk) have passed At least The next Prior successive 14 days To the hearing week Before hearing The special permit If a decision is not following the decision is filed by the first notice reached by the SPGA City/Town Clerk with within 90 days the Registry of Deeds The hearing is advertised in the newspaper and posted in the town

Within

14 days

of the 90th day

The petitioner notifies the City/Town Clerk and

parties of interest that the

SPGA did not act.

Notice of the hearing is mailed to parties of interest.

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to certified abutters and

parties of interest.

The hearing is again advertised in the newspaper

Disclaimer: Developed as an informal guide for permit granting agencies with information

Berkshire Regional Planning Commission

current as of September, 2007. It has been transmitted for informational purposes only, and its content should not be construed as legal advice. Please consult legal counsel before taking any action on this information.

Please consult MGL C40A \$11-17 for more detailed information.

Appeals must be filed with the City/Town Clerk.

Within

20 days

of notification

*Construction may begin if an appeal is filed, but will be at the proponent's own risk.

certificate stating that SPGA did not act and that constructive approval is granted

City/Town Clerk issues

After

20 days

Of notification have passed

The special permit lapses, if construction/substantial use has not begun. (except for good cause or if another date is specified in the decision)

No more than

2 vears

After the decision

(as specified in local

bylaws or ordinances)